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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Letter dated 28 December 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a letter from His Excellency Mr. Vladislav Jovanovic, Minister for Foreign Affairs of the Federal Republic of Yugoslavia, addressed to you.

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under the item entitled "Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms; human rights situations and reports of special rapporteurs and representatives".

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

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ANNEX

Letter from the Minister for Foreign Affairs of the Federal Republic of Yugoslavia addressed to the Secretary-General of the United Nations

Article 2 of the International Covenant on Civil and Political Rights provides that: "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". The Republic of Croatia is one of the rare European countries which does not abide by the commitments it has made under the Covenant vis-à-vis its citizens of Serb nationality and Orthodox religion. By these acts, the Republic of Croatia also violates articles 1, 2 and 4 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Proceeding from the fact that belonging to the Orthodox Church has been the principal reason for the failure to assimilate Serbs in this region throughout centuries, the present authorities in Croatia, emulating as a role model, the Nazi regime of Ante Pavelic, a war criminal and Hitler collaborator from 1941 to 1945 (whose pictures hang on the walls of Croatian Army barracks today) carry out the policy of conversion of Serbs to Catholicism or of the expulsion of Serbs from Croatia. Children in preschool and school institutions, as well as priests of the Serbian Orthodox Church, are the special target of the onslaught.

It is certainly the right of Croatia to introduce religious instruction in school curricula as an optional subject, scheduled for the second or third period rather than for the beginning or the end of the school day. Religious instruction is taught by Catholic priests, and ever since its beginning, children of Serb nationality and Orthodox religion have not attended these classes. But, because of their non-attendance, these children have been branded as non-Christians and subjected to harassment and disparagement. In order to spare their children the harassment and to ensure them a normal education, their parents requested the Serbian Orthodox Church communities to issue them certificates that their children had been baptized in the Orthodox Church, and they presented these certificates to Catholic priests who took the children to the first Communion in Catholic churches and then sent them to Catholic religious instruction classes. According to the data presented in the Sabor of the Republic of Croatia, about 10,000 Orthodox children have been converted in this way to Catholicism (the Sabor deputy who revealed this information in public was physically attacked in the Sabor by Sabor deputies of the ruling Croatian Democratic Community). The requests of parents for the issuance of baptism certificates and the requests of Catholic churches to that effect are incontestable proof of the existence in Croatia of the practice of religious conversion under social and mental pressure.

The Croatian authorities claim that the phenomenon of religious conversion is the consequence of the fact that the Serbian Orthodox Church has not organized religious education for Orthodox children in Croatian schools,

although it is allowed to do so under the law. Unfortunately, the Croatian authorities have failed to state publicly that Serb churches in Croatia are being pulled down and that Orthodox priests are being arrested and tortured in prisons. Most of the clergy of the Serbian Orthodox Church have therefore been expelled from Croatia, including five of its bishops. They are not allowed to return to Croatia by the Croatian authorities, but even if they were, neither the bishops nor the priests would have a place to return to, as many Orthodox churches and parish residences have been destroyed. (In the five eparchies of the Serbian Orthodox Church in the territory of the AVNOJ Croatia, 279 religious establishments have been destroyed or damaged: 70 churches have been destroyed and 101 severely damaged; 56 church residences have been destroyed and 24 severely damaged; 10 chapels have been destroyed and 4 severely damaged; 4 church cemeteries have been destroyed; and 2 monasteries have been severely damaged.)

The Orthodox Church Library in Pakrac, established in 1690, was destroyed, and the Serbian Orthodox Church Museum in Zagreb, containing exhibits from the thirteenth to the sixteenth centuries, was blown up.

Even if the exceptionally small number of remaining Orthodox priests in the Republic of Croatia were provided normal working conditions (which they are not), they would not be able to teach religion to all remaining children in the Republic of Croatia.

The amount of disrespect that the Croatian authorities show for the Serbian Orthodox Church and the Serb people is evinced also by the decision of 4 October 1994 of the Construction Inspection of the Daruvar Office of the Bjelovar/Bilogorje Zupanija (see appendix I). By this decision, the inspector ordered the "Greek Eastern Church of Our Lady" (Croatian authorities avoid using the appropriate term "Serbian Orthodox Church" and use "Greek Eastern Church" instead) to remove the building of the Orthodox church at Siras, which had been dynamited, because it constituted a direct threat to adjacent buildings, the life of people and the safety of traffic. At the same time, this Croatian State organ warned the Serbian Orthodox Church that, prior to the removal of the church at Siras, it had to obtain the approval of the Regional Institute for the Protection of Cultural Monuments in Osijek, as the building was protected as a cultural monument. However, in explanation of the decision, construction inspector Mirjana Horvat admitted that the Serb church had been completely destroyed and that the usable material had been taken away. Of course, this is not the only Orthodox church destroyed outside combat areas with the knowledge of the Croatian authorities (episcopal residences in Zagreb, Karlovac and Pakrac were also dynamited). The purpose of the destruction of the Serb churches by dynamiting them is obvious: to destroy and erase the traces of the Serbian Orthodox Church and its believers living in some parts of the former AVNOJ Croatia.

By informing you of this tragic discrimination against the Serb people in the Republic of Croatia on the basis of religion, I plead with you to take measures, within the framework of your authority, to compel the Government of

the Republic of Croatia to fulfil its international commitments under the International Covenant on Civil and Political Rights and other international instruments.

(Signed) Vladislav JOVANOVIC
Minister for Foreign Affairs
Federal Republic of Yugoslavia

APPENDIX I

Decision of 4 October 1994 of the Daruvar Office of the Bureau for Landscaping, Housing and Communal Affairs, Construction and Environmental Protection, Bjelovar/ Bilogorje Zupanija, Republic of Croatia

Pursuant to article 55 and in compliance with articles 53, 58 and 59 of the Law on Construction (People's Gazette of the Republic of Croatia, No. 77/92), the Construction Inspection of the Zupanija Bureau for Landscaping, Housing and Communal Affairs, Construction and Environmental Protection, Daruvar Office, in the process of inspecting the utilization and maintenance, i.e., the state of the building of the Orthodox church at Siras, Stjepana Radica Street, owned by the Greek Eastern Church of Our Lady, adopts the following:

1. Decision

1. The Greek Eastern Church of Our Lady, the owner of the building of the Orthodox church at Siras, Stjepana Radica Street, built on site No. 1 at Siras, is ordered to remove this church because it has been substantially damaged by the devastations of war and directly threatens the stability of the entire building, thus posing a direct threat to adjacent buildings, human life and traffic safety.

2. The owner is obliged to remove the building within 15 days from the service of this decision and the removal must be carried out professionally with all precautionary measures so as not to jeopardize the life and health of people and traffic safety, and to prevent possible damage to adjacent buildings through a prior technical description of the removal of the building.

3. The owner is obliged to clean and neatly stack the usable construction material on the site, to remove the remaining material and dispose of it at the specially designated scrap yard at Gornji Daruvar and, subsequently, to level the construction site.

4. Prior to carrying out this decision, the owner is obliged to obtain the approval of the Regional Institute for the Protection of Cultural Monuments in Osijek, since the building is protected as a cultural monument.

If the owner fails to obtain the said approval or to submit the request at all, this will be effected ex officio by a provisional representative at the expense of the owner.

If the owner removes the said building without obtaining the approval, he is subject to punishment under the Law on the Protection of Cultural Monuments (N.N. 7/67) under which such behaviour is punishable as a criminal act.

5. If the owner of the building does not act according to paragraphs 1, 2 and 3 of the foregoing statement, this decision shall be carried out ex officio by another person at the owner's expense, and the removal costs will be covered by

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confiscation of the remaining usable building material and equipment and their sale at public auction.

If the funds provided by this sale are insufficient to cover the removal costs, payment of the outstanding costs will be effected through the court.

6. A separate conclusion concerning the costs of the removal procedure will be adopted.

7. Pending the enforcement of this decision, the owner is obliged to immediately prevent access to the said building and to undertake safety measures such as fencing the building with a visible yellow band, placing warning signs and disconnecting utilities.

8. An appeal against this decision shall not prevent its enforcement.

2. Explanation

At the on-site examination effected by an inspection commission on 7 July 1994, the construction inspector of the Zupanija Bureau for Landscaping, Housing and Communal Affairs, Construction and Environmental Protection, Daruvar Office, established in the matter of inspection of the condition of the Orthodox Church building at Siras, Stjepana Radica Street, built on site No. 1, Siras, owned by the Greek Eastern Church of Our Lady, that due to war devastations in 1991-1992, said building was substantially damaged and its stability affected, so that it posed a permanent danger because of the possibility of further uncontrolled dilapidation.

Description of the building and damages: the Orthodox church, Greek Eastern Church of Our Lady, at Siras, was approximately 7 metres wide by 15 metres long; it consisted of belfry, nave, saddle roof; was built of brick, ceiling, wooden roof covered with tile; damage: the church has been completely destroyed and no usable building material remains (carted away).

Because of the damage described, the building poses a threat to adjacent buildings, human lives and traffic safety so that it is necessary to remove the building in its entirety since the threat cannot be eliminated in any other way (repair is not possible).

The remaining building material will be used by the owner, to the extent possible; for the unusable part, a scrap yard is provided at Gornji Daruvar.

In pursuance of the information presented, the above decision has been adopted on the basis of the Law on Construction.

3. Legal remedy

The wronged party may appeal this decision, within 15 days from its receipt, with the Ministry of Construction and Environmental Protection of the Republic of Croatia in Zagreb, Vukovarska Avenija 78.

An appeal against the minutes may be lodged, in writing or orally, through this Bureau or directly to a body of second-instance, which is subject to the administrative fee of 4.00 K under Tar. No. 3 of the Law on Administrative Fees (People's Gazette of the Republic of Croatia, No. 97/93).

(Signed) Mirjana HORVAT
Construction Inspector

cc: 1. The owner, the Greek Eastern Orthodox Church of Our Lady at Siras, Stjepana Radica Street

2. Municipality of Siras

3. Inspection, loco.

4. Announcement board

5. Documents office

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APPENDIX II

Report dated 28 January 1993 of the Republic of Croatia Institute for the Protection of Cultural Monuments, Varazdin, on the explosion in the Apostles Michael and Gabriel Parish Church at Velika Musna, Municipality of Koprivnica

According to the information of the Police Station at Koprivnica of 12 January 1993 on the explosion in the Apostles Michael and Gabriel Parish Church at Velika Musna, the conservators of this Institute went to the site on 26 January 1993 to establish and document the damage done.

Upon examination of the church, the following damage was ascertained:

(1) Two floorboards in the elevated part directly in front of the iconostasis (in front of the middle gate), made of painted cement, dimensions: 30 cm x 30 cm, directly damaged in the radius of 15 cm where the bomb (explosive) was planted;

(2) Iconostasis made of wood and painted (1904), damaged in the lower zone between the left and right gate. The damage was caused indirectly by shrapnel of the bomb, which made deep cuts, destroying the painted surface, as well as the basic foundation (wood). In addition, the decorative parts of the middle gate (affected by worms) also fell off as a result of the explosion. Upon examination of the iconostasis, it was established that the architecture itself was still in good condition (sound and solid wood), while the icons, probably painted on a wooden foundation, were of inferior quality and were affected by worms so that they peeled;

(3) Two light bodies in front of the iconostasis, made of cast iron with glass decorations, sustained minor damage (broken prong and decorations);

(4) The window-pane glass was cracked. On the basis of the examination, we have ascertained that the damage done will not cause further dilapidation of the building and its inventory, so that urgent protective measures are not necessary.

The restoration of the church and its inventory, related to the regular maintenance and replacement of the damaged parts, should be planned in cooperation with competent institutions; the Institute will, within the bounds of its capacities and competence, be involved in all restoration activities.

(Signed) Zeljko TRSTENJAK
Director

cc: 1. Ministry of Culture and Education,
Institute for the Protection of
Cultural Monuments, Zagreb

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2. Regional Institute for the Protection of Cultural Monuments, Zagreb

3. Orthodox Church Community, P. Preradovica 19, Varazdin

4. Local community of Velika Musna

5. Bjelovar Police Administration, Koprivnica Police Station

6. Documents office, loco.

APPENDIX III

Requests for baptismal certificates

1. Request of Vasilije Kudjeljic to the Serbian Orthodox Church Community, Zagreb

I kindly request the Serbian Orthodox Church Community to issue a certificate that my children were baptized in the Serbian Orthodox Church.

As the father of the children, I need the certificate to prove that my children have been baptized, since they are subject to insults and disparagement by some schoolchildren (Catholic) as if they were not Christians.

2. Request of Branko Batinic to the Serbian Orthodox Church Eparchy, Zagreb

I, Branko Batinic, the father of Sasa Batinic, kindly request a certificate that my son Sasa has been baptized in the Serbian Orthodox Church.

The certificate is needed for the first Communion in the Catholic Church, requested by Catholic priest Tepes.

3. Request to the Church of the Holy Cross, Zagreb

As Marina Mandic will have the first Communion in the Church of the Holy Cross at Siget, the Church is kindly requested to issue her a certificate that she has been baptized.